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Public Disclosure Commission

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January 27, 2006

**VIA FAX TO 360-664-0228 AND MAIL**

**TOTAL PAGES: 21**

Honorable Robert M. McKenna  
Attorney General of Washington  
1125 Washington Street, S.E.  
Post Office Box 40100  
Olympia, Washington 98504

Re: Citizen Action Letter, RCW 42.17.400(4)  
Dwight Pelz, 2005 King County Council Campaign

Dear Attorney General McKenna:

This letter concerns Dwight Pelz and his campaign for King County Council, Position 5, for the November 8, 2005 general election. Mr. Pelz was the incumbent in that office, but did not file for re-election in July 2005. Instead, Mr. Pelz unsuccessfully ran for the Seattle City Council in the November 8, 2005 general election.

I am sending this written notification pursuant to the citizen action provisions of RCW 42.17.400(4) to inform you that I have reason to believe that Dwight Pelz may have violated the provisions of RCW 42.17.080 and RCW 42.17.090 by failing to timely report tens of thousands of receipts and expenditures, by omitting several required monthly and other periodic reports altogether, and by entirely failing to report the disposition of at least \$10,521.65 in surplus campaign funds. In addition, you should investigate to see if the unreported disposition of this \$10,521.65 of surplus fund complied with RCW 42.17.095.

Mr. Pelz filed a C1 candidate registration form with the Public Disclosure Commission (PDC) on April 3, 2002, seeking re-election to King County Council Position No. 5. As of September 30, 2004, based on his C4 report filed on October 10, 2004, Mr. Pelz had raised \$38,304.05 and spent \$27,782.40, with a cash balance on hand of \$10,521.65. Mr. Pelz did not file any reports for the period after September 30, 2004.

Mr. Pelz's failure to file any reports for the period after September 30, 2004 is extremely alarming. Under RCW 42.17.080(2)(c), Mr. Pelz would have had to file monthly C4 reports, with Schedule A and any other required supporting schedules, if he received more than \$200.00 in the aggregate after September 30, 2004 OR if he expended more than \$200.00 in the aggregate after September 30, 2004.

In addition, even if Mr. Pelz did not receive or spend a penny after September 30, 2004, he would have been required to file 7 day and 21 day pre-election C4 reports prior to both the September 20, 2005 primary election and November 8, 2005 general election. These reports would have been due on August 30, 2005, September 13, 2005, October 18, 2005 and November 1, 2005. These reports either had to show that Mr. Pelz still had this \$10,521.65 on deposit, or shown all receipts and expenses since the previous report, no matter how large. Mr. Pelz did not file these reports, violating RCW 42.17.080(2)(a).

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Under RCW 42.17.095, since Mr. Pelz did not actually file for re-election to the King County Council, every penny of this \$10,521.65 would be considered surplus campaign funds, and could be disposed of only as allowed under RCW 42.17.095 (which strictly limits what former candidates can do with surplus campaign funds). Without Mr. Pelz filing any reports for the period after September 30, 2004, it cannot be determined whether he complied with RCW 42.17.095. This issue needs to be carefully investigated.

Furthermore, under RCW 42.17.080(5), the general public had the right to inspect Mr. Pelz's campaign finance books and records for his 2005 King County Council campaign for the eight day periods immediately preceding both the September 20, 2005 primary election and the November 8, 2005 general election. The public was denied this right, because the C1 candidate registration form filed by Mr. Pelz with the PDC on April 3, 2002 did not contain the address and hours of the day that Mr. Pelz's campaign books and records would be open to public inspection, as required by RCW 42.17.040(2)(i), nor did Mr. Pelz ever file a subsequent C1 with the PDC containing this information.

Mr. Pelz was also untimely with numerous of his monthly C4 campaign finance reports, or did not even bother to file them at all, in the period before September 2004.

In April 2002, Mr. Pelz received \$4,033.00 and spent \$1,115.99. Under RCW 42.17.080(2)(c), Mr. Pelz had to file a C4 report and supporting schedules by May 10, 2002. Mr. Pelz did not file his C4 report until May 14, 2002, or 4 days late.

In June 2002, Mr. Pelz received \$1,082.00. Under RCW 42.17.080(2)(c), Mr. Pelz had to file a C4 report and supporting schedules by July 10, 2002. Mr. Pelz did not file his C4 report until July 11, 2002, or 1 day late. Mr. Pelz also omitted his Schedule A for the period of May 1, 2002 through June 30, 2002, and has not filed this to date. This Schedule A now happens to be some 3 years, 6 months, and 17 days past due.

For the period of November 1, 2002 to January 31, 2003, Mr. Pelz received \$500.00 and spent \$116.67. Under RCW 42.17.080(2)(c), Mr. Pelz had to file a C4 report and supporting schedules by February 10, 2003. Mr. Pelz did not file his C4 report until February 11, 2003, or 1 day late.

In March 2003, Mr. Pelz spent \$2,203.08. Under RCW 42.17.080(2)(c), Mr. Pelz had to file a C4 report and supporting schedules by April 10, 2003. Mr. Pelz did not file his C4 report (which also included April 2003) until May 9, 2003, or 29 days late.

In February 2004, Mr. Pelz received \$1,440.92. Under RCW 42.17.080(2)(c), Mr. Pelz had to file a C4 report and supporting schedules by March 10, 2004. Mr. Pelz did not file his C4 report (which also included March 2004) until April 10, 2004, or 31 days late.

In May 2004, Mr. Pelz spent \$16,599.63. Under RCW 42.17.080(2)(c), Mr. Pelz had to file a C4 report and supporting schedules by June 10, 2004. Mr. Pelz did not file his C4 report (which also included June 2004) until July 11, 2004, or 31 days late.

In July 2004, Mr. Pelz spent \$631.00. Under RCW 42.17.080(2)(c), Mr. Pelz had to file a C4 report and supporting schedules by August 10, 2004. Mr. Pelz did not file his C4 report (also had August & September 2004) until October 10, 2004, or 61 days late.

In August 2004, Mr. Pelz spent \$1,001.00. Under RCW 42.17.080(2)(c), Mr. Pelz had to file a C4 report and supporting schedules by September 10, 2004. Mr. Pelz did not file his C4 report (also included September 2004) until October 10, 2004, or 30 days late.



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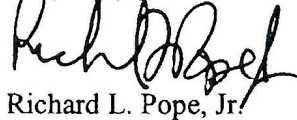
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If enforcement action is not commenced by filing a civil action in court in the name of the State of Washington, within forty-five days of your receipt of this written notification, I reserve my right under RCW 42.17.400(4) to give a second written notification that I will commence citizen's action in the name of the State of Washington over these matters if there has been further failure to so act within ten days of the receipt of such second written notification, and thereafter commence a civil action on my own initiative in the name of the State of Washington over these matters.

I am also forwarding a copy of this citizen action letter to the prosecuting attorneys of King County, since the King County Council race was conducted in that county, and to the Thurston County Prosecuting Attorney, since that is where PDC reports are filed.

Thank you for your careful attention in this matter.

Very truly yours,



Richard L. Pope, Jr.

Enclosures:

1. C1 Candidate Registration, filed April 3, 2002
2. C4 Report and Schedule A, filed May 14, 2002
3. C4 Report and C3 Report, filed July 11, 2002
4. C4 Report and Schedule A, filed February 11, 2003
5. C4 Report and Schedule A, filed May 9, 2003
6. C4 Report and Schedule A, filed April 10, 2004
7. C4 Report and Schedule A, filed July 11, 2004
8. C4 Report and Schedule A, filed October 10, 2004

**DECLARATION**

I declare under penalty of perjury under the laws of the State of Washington that the above and foregoing is true and correct to the best of my knowledge and belief.

Signed at Bellevue, Washington on January 27, 2006.

  
RICHARD L. POPE, JR.

Cc: Vicki Rippie  
Executive Director  
Public Disclosure Commission  
711 Capitol Way, Room 206  
Post Office Box 40908  
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**FAX TO 360-753-1112 AND MAIL**

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